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11 Proposed Lead Counsel for Proposed Lead Plaintiff  
12 Steamfitters Local 449 Pension & Retirement Security Funds

13 UNITED STATES DISTRICT COURT  
14  
15 NORTHERN DISTRICT OF CALIFORNIA

16 PIOTR JASZCZYSZYN, Individually and on )  
Behalf of All Others Similarly Situated, )  
17 Plaintiff, )  
18 vs. )  
19 SUNPOWER CORPORATION, et al., )  
20 Defendants. )

Case No. 4:22-cv-00956-HSG

CLASS ACTION

STATEMENT OF MICHAEL ALBERT IN  
RESPONSE TO ORDER (ECF 44)

1 I, MICHAEL ALBERT, state as follows:

2 1. I am an attorney duly licensed to practice before all of the courts of the State of  
3 California and this Court. I am a partner of the law firm Robbins Geller Rudman & Dowd LLP.

4 2. I make this statement in response to the Court's October 6, 2022 Order. *See* ECF  
5 44.

6 3. I have personal knowledge of the matters stated herein and, if called upon, I could  
7 and would competently testify thereto.

8 4. I am the counsel responsible for appearing on behalf of our client at the October 6,  
9 2022 hearing.

10 5. There is no satisfactory excuse to the Court or to myself for not appearing at the  
11 October 6, 2022 hearing. To say that I am embarrassed by the calendaring error that caused my  
12 absence is a gross understatement. As background, my Firm's Lead Plaintiff Practice Group has a  
13 calendaring process in place which was followed when our client's lead plaintiff motion was  
14 initially filed with a May 26, 2022 motion hearing date. *See* ECF 25. I inadvertently overrode that  
15 process on April 19, 2022 upon re-noticing the motion hearing for October 6, 2022. *See* ECF 33.  
16 My error resulted in our Lead Plaintiff Practice Group calendar reflecting a vacated May 26, 2022  
17 hearing but not a re-noticed October 6, 2022 hearing.

18 6. I have been an attorney since 2014. I have never before been late to or missed a  
19 court proceeding. For me, the opportunity to be the attorney to appear before Your Honor and to  
20 conduct oral argument is a rare privilege and I want to assure the Court that my failure to attend  
21 the October 6, 2022 hearing was not the result of indifference or lack of respect for the Court's  
22 time or the importance of this proceeding. I respectfully request the Court not issue sanctions for  
23 my failure to attend the October 6, 2022 hearing.

24 7. I sincerely apologize to the Court, its staff, Court Reporter Mercado, and Mr.  
25 McManaway. If the Court is willing to indulge me, I respectfully request the opportunity to  
26 apologize in person to the Court and its staff.

1 I state under penalty of perjury on that the foregoing is true and correct. Executed on  
2 October 7, 2022, at San Diego, California.

3  
4 s/ Michael Albert  
MICHAEL ALBERT

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on October 7, 2022, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the email addresses on the attached Electronic Mail Notice List, and I hereby certify that I caused the mailing of the foregoing via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

s/ Michael Albert

MICHAEL ALBERT

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# Mailing Information for a Case 4:22-cv-00956-HSG Jaszczyszyn v. SunPower Corporation et al

## Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

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## Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)